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11 Attorneys for Plaintiff  
12 MYSPACE, INC.

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

MYSPACE, INC., a Delaware  
Corporation,

Plaintiff,

vs.

SANFORD WALLACE D/B/A  
FREEVEGASCLUBS.COM, REAL-  
VEGAS-SINS.COM, and FEEBLE  
MINDED PRODUCTIONS, an  
individual; WALTER RINES, an  
individual; ONLINE TURBO  
MERCHANT, INC., a corporation;  
and ODYSSEUS MARKETING,  
INC., a corporation,

Defendants.

CASE NO. CV-07-1929 ABC (AGRx)

**DECLARATION OF SHING YIN  
KHOE IN SUPPORT OF  
myspace, INC.'S MOTION FOR  
DEFAULT JUDGMENT AGAINST  
DEFENDANTS SANFORD  
WALLACE AND WALTER RINES**

**Filed Concurrently With:**  
**Notice of Motion and Motion;**  
**Memorandum; Declaration of Lori**  
**Chang; Declaration of Joseph**  
**Marotta; Declaration of Kevin Datoo;**  
**and [Proposed] Order.**

Date: May 12, 2008  
Time: 10:00 a.m.  
Ctrm: 680  
Judge: Hon. Audrey B. Collins

## **DECLARATION OF SHING YIN KHOR**

I, Shing Yin Khor, do declare as follows:

1. I am a Security Manager for Fox Interactive Media. Prior to my current position, from January to December 2007, I was an Abuse Specialist for MySpace, Inc. ("MySpace"), located in Beverly Hills, California. The following facts are known by me to be true and correct and if called as a witness I could and would competently testify thereto under oath.

2. Previously, I prepared and executed a declaration in support of MySpace, Inc.'s Motion To Modify The Court's Preliminary Injunction Order, filed on October 1, 2007. In paragraph 3 of that declaration, I stated that "approximately 780,000 messages were sent through 55,000 separate MySpace accounts" in August 2007.

3. I subsequently discovered, however, that this statement was incorrect. On Tuesday, April 1, 2008, I discovered a mistake in the recording of the number of email messages that were discovered on August 14, 2007 and which related to the attack involving spam messages with an overlay of a fake video image ("fake video messages"). The number of such messages sent was 78,137 and not 780,000, as previously stated in my prior declaration executed on October 1, 2007.

4. On August 14, 2007, Jason Wiley, a member of the MySpace Abuse Team, performed a search of user inboxes (“mail search”), upon my request, to determine the number of fake video messages that were sent at that time. The result of that search revealed 78,137 messages; but I accidentally recorded the number as 780,000. Precisely, these 78,137 messages were sent through 53,162 separate MySpace accounts to 69,829 recipients.

5. The attacks involving the fake video messages did not stop on August 14. I and other members of the Abuse Team continued to investigate these attacks thereafter, and discovered that similar messages were being sent, though the content of the messages had changed. The text of the messages in these subsequent fake video messages involved at least 19 to 20 additional URLs similar to those I discovered on August 14.

1       6. On August 26, 2007, Mikhail Berlyant, a senior data architect for MySpace,  
2 performed a second mail search for messages containing any of the URLs involved with  
3 these attacks. He did this by searching in one out of every 20 databases maintained by  
4 MySpace (each database containing one million user inboxes). From that sampling, Mr.  
5 Berlyant confirmed that at least an additional 130,908 messages were sent as part of this  
6 same campaign. Mr. Berlyant reported these findings to myself and other members of  
7 the Abuse Team in the ordinary course of our investigation of these attacks.

8 I declare under penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct and that this Declaration was executed on April 18, 2008 at  
10 Beverly Hills, California. 

String Yin Khor

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party  
to the within action; my business address is 2450 Colorado Avenue, Suite 400E, Santa Monica, California 90404.

4 On April 18, 2008, I served the **DECLARATION OF SHING YIN KHOR IN SUPPORT**  
5 **PLAINTIFF MYSPACE, INC.'S NOTICE OF MOTION AND MOTION FOR DEFAULT JUDGMENTS**  
6 **AGAINST DEFENDANTS SANFORD WALLACE AND WALTER RINES**; on the interested parties in this  
action by placing the true copy thereof, enclosed in a sealed envelope, postage prepaid, addressed as follows:

7  (BY MAIL)

8  I am readily familiar with the business practice of my place of employment in respect to the  
collection and processing of correspondence, pleadings and notices for mailing with United States  
Postal Service. The foregoing sealed envelope was placed for collection and mailing this date  
consistent with the ordinary business practice of my place of employment, so that it will be picked up  
this date with postage thereon fully prepaid at Santa Monica, California, in the ordinary course of such  
business.

9  
10 Sanford Wallace  
11 7800 S. Rainbow Blvd., Apt. 1118  
12 Building 26  
13 Las Vegas, NV 89139

14 Walter Rines  
15 6 Laurel Lane  
16 Stratham, NH 03885

17  
18 Sanford Wallace  
19 6130 W. Flamingo Rd. #205  
20 Las Vegas, NV 89103

21  (BY OVERNITE EXPRESS)

22 I am readily familiar with the business practice of my place of employment in respect to the collection  
23 and processing of correspondence, pleadings and notices for delivery by Overnite Express. Under the  
24 practice it would be deposited with Overnite Express on that same day with postage thereon fully  
25 prepared at Santa Monica, California in the ordinary course of business. I am aware that on motion of  
26 the party served, service is presumed invalid if delivery by Overnite Express is more than one day after  
27 date of deposit with Overnite Express.

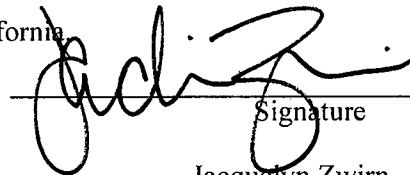
28 Sanford Wallace  
29 7800 S. Rainbow Blvd., Apt. 1118  
30 Building 26  
31 Las Vegas, NV 89139

32 Sanford Wallace  
33 6130 W. Flamingo Rd. #205  
34 Las Vegas, NV 89103

35  (FEDERAL)

36 I declare under penalty of perjury that the foregoing is true and correct, and that  
37 I am employed at the office of a member of the bar of this Court at whose  
38 direction the service was made.

39 Executed on April 18, 2008, at Santa Monica, California.

40   
41 Signature  
42  
43 Jacquelyn Zwirn  
44 Print Name